



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Jean M. Hunhoff, Chair
Representative R. Shawn Tornow, Vice Chair

Three hundred eighteenth meeting
Tuesday
November 15, 2011

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room Lib 117
Aberdeen, South Dakota

Department of Human Services
2361 Dakota Ave. S
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

University Center
4801 N. Career Ave., Room FADM 257
Sioux Falls, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

9:15 a.m. Call to order, roll call, approval of minutes, staff report

Review of proposed rules

Representative Hunt

Department of Labor and Regulation: Division of Labor and Management – Amend rules to update references in the workers compensation medical case management rules, revise the workers compensation fee schedule, and repeal the department's optimal recovery guidelines.

Senator Buhl

Department of Labor and Regulation: Division of Insurance – Amend rules to require workers' compensation insurers to file claim expenditure reports and ensure refunds are being processed appropriately when a request is not eligible for external review.

Senator Hunhoff

Department of Health: Board of Massage Therapy – Amend rules to identify the application fee, provide options for continuing education, correct an error, and require adherence to ethical standards.

Governor's Office of Economic Development – Amend rules to establish requirements and standards for the certification of certain business and industrial sites as "certified ready."

Senator Buhl

Department of Revenue: Commission on Gaming – Amend Horse Racing rules to repeal informal consultation with Executive Secretary; clarify that all appeals other than disqualifications of the official order of finishes go to the Commission; clarify that appeals on orders of finish only go to the Board of Stewards, not to the Commission, and to be consistent with other rules; clarify that posted business hours of the racing office shall be maintained; remove baths from the facilities racing associations must provide; require racing secretary to record wins on horses' appropriate records; clarify that in time trials hand timing by the timers will be conducted in certain circumstances; eliminate the requirement that white or light breeches must be worn by jockeys; repeal restrictions on the sale, control, and racing of claimed horses; clarify that it is the unofficial winner of races that are tested following a race; clarify penalty provisions for use of illegal substances; remove Ibuprofen as an authorized drug in race horses; clarify the time frames and methods of administration of furosemide (lasix); clarify the use of chemist's test as evidence of unauthorized drug use; eliminates the punishment of voiding of purses and track records with certain drug usage; add testing assistant as a category of licensee; repeal education courses required for renewal; amend Greyhound Racing rules to repeal the provisions that relate to live races, yet keeps the authorization for wire signals and off track betting; add multijurisdictional totalizator hubs as licensed facilities at which pari-mutuel tickets can be sold; clarify that the Commission auditor may access all properly licensed facilities; clarify that all licensed facilities must cooperate with the Commission auditor; clarify that the South Dakota Racing Commission no longer exists and that all licensed facilities must properly operate their mutual departments; clarify that all licensed facilities must report violations of laws or rules; and amend Gaming rules to allow players to play up to two hands of Three-Card Poker at the operator's discretion; and provide for the appropriate pay tables for the game, Four-card poker

Representative Gibson

Department of Environment and Natural Resources – Repeal the department's photocopy fee rules.

Department of Social Services: Division of Adult Services and Aging – Amend rules to repeal obsolete rules, update definitions, update services that may be provided by programs to victims of domestic violence and sexual abuse, remove duplicative statutory language, clarify that a program may not impose income standards or mandate

participation in a service as conditions of eligibility, outline standards for hotel or motel facilities or private homes that are used as shelter, and outline policy and bylaw requirements for shelter programs.

Senator Vehle

Department of Agriculture: Division of Agricultural Services – Amend a rule to adopt the current version of the American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia.

Department of Game, Fish and Parks – Amend Park Licenses rules to repeal rules that provide that the park season extends from January 1 to December 31, inclusive, of each year, and establish time limits for a temporary park entrance license; amend Use of Parks and Public Lands rules to amend the Oahe Downstream Lodge fees to allow non-profit groups and government agencies a reduced user rate during shoulder and winter seasons and establish a check out time for camping cabins and park lodges; amend License Forms and Fees rules to eliminate the Custer State Park "any mountain lion" hunting license and \$150 fee for the license; lower the fee for replacing lost or destroyed nonresident waterfowl licenses from \$15 to \$5; eliminate the rule provisions that authorize the issuance of a permit in lieu of a lost license; create a new resident senior combination license at a cost of \$34 (\$29 plus \$5 surcharge) for persons 65 years of age and older; and reduce the fee charged for nonresident youth small game licenses from \$25 to \$10; amend Custer State Park Restrictions rules to eliminate the eligibility requirement prohibiting a person who received a Custer State Park (CSP) "any mountain lion" license in any of the preceding nine years from applying for a license for the current mountain lion hunting season; and repeal the rule which prohibits a licensee hunting in the field during a CSP big game season from being accompanied by a guide; amend a Waterfowl Hunting Seasons rule to repeal the existing rule which requires use of nontoxic shot to take all species of waterfowl; amend a Sandhill Crane Hunting Season rule to repeal the existing rule which requires use of nontoxic shot to take sandhill crane; appeal a Depredation Permits rule to eliminate the rule which provides there is no application fee for a depredation permit; amend Mountain Lion Hunting Season rules to increase the total statewide mountain lion harvest limit from 50 to 60 mountain lions and increase the female harvest limit from 30 to 40 female mountain lions; repeal rules adopted in 2010 that provided for mountain lion hunting in CSP; and establish a random drawing process to allow a limited number of mountain lion hunters an opportunity to hunt in CSP; amend a Dog Training rule to repeal the section which requires an applicant for a professional dog training license to provide proof that the applicant has obtained written permission of all landowners on which the dog training will be held; amend a Nursing Home Group Fishing rule to repeal the section which provides that nursing home residents are subject to all other statutes and rules relating to fishing; and amend a Non-Game Bird Damage rule to repeal the chapter.

12:00 p.m. Adjourn

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.

Members: Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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